IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 3008 of 2004(G)

AGAINST THE ORDER IN EP 75/02. IN
OS.122/1996 of SUB COURT, NEDUMANGAD

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PETITIONER:

RAJENDRAN NAIR, S/O. KUNJU RAMAN PILLAI
RESIDING AT KALATHARA VEEDU, PACHA, PALODE VILLAGE

BY ADV. SRI.R.S.KALKURA

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO LAW, GOVT.OF KERALA,
SECRETARIAT, TRIVANDRUM.

2. GOPALAKRISHNAN NAIR, S/O. BHASKARA
PILLAI, RESIDING AT SREEKANTA BHAVAN,
PURAVOORKONAM, KARAKULAM VILLAGE.

R2 BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR
R1 BY ADV. SRI.THOMAS JOHN AMBOOKAN, GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 3008 OF 2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE JUDGMENT IN OS NO.122/96 ON THE FILE OF THE SUB COURT, NEDUMANGAD.

EXT.P2 : TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER TO THE EXECUTION PETITON.

EXT.P3 : TRUE COPY OF THE ORDER IN IA NO.393/1999.

EXT.P4 : TRUE COPY OF THE JUDGMENT IN CRP NO.1612/00 DT.5.6.2000.

EXT.P5 : TRUE COPY OF THE ORDER IN EA NO.214/2002 DT.12.6.03.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 3008 OF 2004

Dated this the 6th day of July, 2007

JUDGMENT

It is submitted by the Government Pleader that the 1st respondent is not a necessary party at all. The above submission is correct and the 1st respondent is deleted from the array of parties.

Mr.T.A.Unnikrishnan, counsel for the respondent submits that EA No.211 of 2002 filed by the Bank raising the very same claims was rejected by the execution court. Sri.R.S.Kalkura, learned counsel for the petitioner submits that if it is true that the Bank's claim petition has been rejected, then this court may not be justified in entertaining the petitioner's claim. I accept the submission of Sri.Unnikrishnan and dismiss this Writ Petition since it is reported to me by the registry also that EA No.211 of 2002 filed by the Bank was dismissed on 12.06.2003.

PIUS C. KURIAKOSE, JUDGE

btt